

REMARKS

Claims 1-9 and 11-16 are pending in the present application. Claim 10 has been canceled previously, and claims 1-8 and 11-16 have been amended herein. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

As an initial matter, Applicants again note that U.S. Patent Application Publication No. 2005/0073954 ("Bodin") was cited in the Office Action dated January 14, 2009, but was not listed on the Notice of References Cited. Applicants again respectfully request a Notice of References cited be provided showing this reference.

The drawings have been objected to under 37 C.F.R. § 1.83(a) because they assertedly fail to show what the components are as described in the Specification. Applicants respectfully request additional information such that the figures may be replaced, if required. Applicants point out that there is no requirement that the figures identify the various components by text and numerals. In fact, 37 C.F.R. § 1.84(p) makes it clear that reference numerals are preferred. Figure 1 identifies the network resource manager, measurement manager, measurement engines, and routers using the reference numerals 102, 104, 106, 110. These reference numerals are used in the Specification. Accordingly, Applicants submit that the figures are sufficient and fulfill all of the requirements and rules for drawings in a patent application. Applicants also point out that this is the typical way drawings are submitted and published. Nevertheless, if the Examiner provides more information regarding the changes sought and the rules supporting those requested changes, Applicants will be happy to make such changes.

Claims 1-8 and 10-15 have been objected to under 37 C.F.R. § 1.75(c). Applicants have amended the relevant claims, and accordingly, Applicants respectfully request that these objections be withdrawn. (Applicants note that claim 10 had been previously canceled.)

Claims 1-15 have been rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended the relevant claim 1 to remove the objected to language, and accordingly, Applicants respectfully request that these objections be withdrawn. (Applicants note that claim 10 had been previously canceled.)

Claims 1-8 and 10-15 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent Application Publication No. 2002/0143929 (hereinafter “Maltz”) in view of U.S. Patent Publication No. 2003/0086425 (hereinafter “Bearden”). Applicants respectfully traverse these rejections.

Applicants’ claim 1 recites, “performing, by a measurement manager, end-to-end measurements between a first node in a first access network and a second node in a second access network in said data network.” The Office Action asserted that Maltz discloses performing end-to-end measurements. Applicants respectfully disagree. Maltz discloses that information is collected from each network element regarding the information specific to that network element. Maltz fails to disclose that end-to-end measurements are made between a first access network and a second access network.

Furthermore, the cited references also fail to disclose performing end-to-end measurements by a measurement manager, obtaining network topology information by a network resource manager, and then transferring the end-to-end measurements and network topology information to a single location, wherein the information may be combined.

Applicants also submit that Bearden fails to disclose detecting correlated and uncorrelated paths using the first information set. The Office Action asserted that paragraphs [0056] and [0259] disclose this feature. Applicants respectfully disagree.

Paragraph [0056] assertedly discloses end-to-end measurements and monitoring the load and utilization of network elements. Bearden states, “[s]uch monitoring and QoS measurements for injected voice traffic yield QoS results as a function of use and load on the network elements that are on call paths.” Bearden, paragraph [0056]. This statement merely states that the load and utilization levels of the network elements affect the QoS measurements for the injected voice traffic, and does not disclose detecting which paths are correlated and which paths are uncorrelated.

Paragraph [0259] fails to correct this deficiency. Paragraph [0259] assertedly discloses that the QoS measurements may be stored in a database and used as a source to form graphs, tables, and other information that may be employed by the user to determine problem areas. While paragraph [0259] may be considered as disclosing one possible use of QoS measurements, it does not disclose detecting which paths are correlated and which paths are uncorrelated. Just because the end-to-end measurements may be used, it does not necessarily mean that the end-to-end measurements are used in the same manner. In this case, Bearden does not disclose “detecting correlated and uncorrelated paths using the first information set,” which is based on the end-to-end measurements.

In view of the above remarks, Applicants respectfully request that the rejection of claim 1 be withdrawn. Claims 2-9 and 11-16 depend from and add further limitations to claim 1. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Roger C. Knapp, Applicants' attorney, at 972-732-1001, so that such issues may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge any fees due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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